

Appln. No.: 10/605,984
Docket No.: PES-0069

Remarks / Arguments

The claims stand restricted as follows:

- I. Claims 1-6, 26 and 33, allegedly drawn to an electrochemical cell, classified in either class 204, subclass 252, or class 429, subclass 34.
- II. Claims 7-25 and 27-32, allegedly drawn to a method of coating a part, classified in class 427, subclass 122 or subclass 115.

In response to the Restriction Requirement, Applicant has herein elected Group I, directed to Claims 1-6, 26 and 33, with traverse.

Applicant respectfully traverses the Election / Restriction requirement for the following reasons.

Applicant has provided herewith a preliminary amendment to Claim 7, which now recites the structure of Claim 1 (Group I) for performing thereon the method of Claims 7-25 and 27-32 (Group II).

In view of the amendment, and while the inventions of Groups I and II are directed to different statutory classes, Applicant submits that an examination of the invention of Group I will inevitably result in the search of art relating to the invention of Group II, since the art associated with the inventions of Groups I and II are related by their application to a particular structure.

Accordingly, and in accordance with MPEP §803, Applicant respectfully submits that a search and examination of Groups I and II may be made without serious burden to the Examiner, and that by removing the serious burden criteria, Applicant submits that a proper requirement for restriction is not established.

For at least this reason, this Restriction Requirement is wholeheartedly traversed, and removal of the Requirement with respect thereto is respectfully requested.

In the event the Examiner maintains that the election/restriction requirement is proper, Applicant understands that the scope of search for examination purposes of the elected claims will not include class 427, subclass 122 or subclass 115. In the event of reconsideration by the Examiner to include a search of class 427, subclass 122 or subclass 115, for examination of the elected claims, Applicant respectfully requests reinstatement of the non-elected claims, as the burden on the Examiner (relating to a search of an additional class/subclass) would have been removed under the Examiner's own initiative.

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Consideration and allowance of these claims are respectfully requested. The foregoing is believed to be fully responsive to this office action.

The Examiner is invited to contact Applicant's Attorneys at the below-listed telephone number regarding this Preliminary Amendment or otherwise regarding the present application.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

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